









With Compliments from the Command

CLAIM

OF

DR. FRANCIS HAMILTON BUCHANAN

OF


Spittal.

EDINBURGH :

PRINTED BY JAMES CLARKE & CO. OLD STAMP OFFICE.

1826





Digitized by the Internet Archive
in 2012 with funding from
National Library of Scotland.

<http://www.archive.org/details/claimofdrfrancis00hami>

A STATEMENT

OF THE CLAIM OF THE

FAMILY OF BUCHANAN OF SPITTAL

TO BE CONSIDERED THE *CHIEF* OF THE NAME,

*As Male Representative of the Family of Buchanan of
Buchanan.*

THE descent of the House of Buchanan, which has disseminated a numerous clan throughout Scotland, can be deduced from remote antiquity. But it is not essential that the following genealogy should ascend higher than the year 1519, when Walter Buchanan of Buchanan and *Spittal*, is known to have been in possession of the paternal inheritance, and to have represented the family. Towards the middle of the sixteenth century, or earlier, the branch of Auchmar, which subsisted during a considerable time, is believed to have sprung from a cadet of the principal stock, named John or William. The direct line of male succession, however, having failed in 1682, and the branch of Auchmar also being extinct, the representation of the family, in default of collaterals of later origin, necessarily devolves on the heir-male of Walter, the chief of his name.

The claimant, as head of the family of *Spittal*, proposes to shew, from authentic documents, that it is he who stands in this relation; that he is lineally descended from Walter of Spittal, the son of Walter Buchanan of Buchanan and Spittal, who lived in the year 1519.

But, in doing so, it is very far from his design to advance undue pretensions. Not only has he made every possible inquiry,

though in vain, whether any one having a preferable right, could be discovered, to whom he should have readily conceded the honour of representing this ancient family. But, further, he shall deposit the documents whereon his own claim is founded with the Secretary to the BUCHANAN SOCIETY in Glasgow, that all who conceive themselves interested may have an opportunity of judging of their relevancy. He is anxious to proceed with much deliberation ; for nothing would be so unsuitable and derogatory as the precipitate assumption, or the admission, of such a distinction, on false or erroneous principles.

In order that the following detail may be comprehended the more easily, it is important to preserve three special points in remembrance :—1. That the property, from whence the designation of the claimant's family is derived, having belonged anciently to the Knights Templars, and then to the Knights of St. John of Jerusalem, a religious order governed by the Commendator or Preceptor of Torphichen, is described in former writings under the alternative name of *Temple-lands of Easter Catter—Spittal of Easter Catter—*or simply *Spittal*.*

2. That besides Spittal, the family acquired, at successive intervals, the lands of M'Ynno or Macknoe, Blairwoky or Blairvoky, and Gartochorran or Gartquhorran, some of which were alienated by the claimant's predecessors. But the lands of Spittal have descended to himself, in the regular course of succession, from Walter Buchanan of Buchanan and Spittal, and remain in his possession at the present day.

3. That if there be occasionally an apparent discrepancy of name, it is only apparent, not real, and must be ascribed solely

* The Order of Knights *Templars* having been suppressed in the year 1312, their possessions were bestowed on the Knights of St. John of Jerusalem, whose chief establishment in Scotland, anciently, was designed the Hospital of Torphichen. Thence Spittal, *i. e.* *Hospital* and *Temple*, *i. e.* *Templar-land*, are used indiscriminately. The Superior of this order was designed "Commendator preceptorie sacre domus hospitalis beati Johannis Jerusalemensis infra regnum Scocie ;" and sometimes Magister or Preceptor.

to that irregularity so common of old, whereby the precise designation either of parties, or of their property, often was vitiated, or even entirely omitted.

But, as a substitute for any, or for all of these deficiencies, none of which affect the essence of his case, the claimant shall uniformly quote the identical words of the different documents, both to supersede the need of commentary, and to prove the exact import to be ascribed to them.

SECTION I.—WALTER BUCHANAN, the first of Spittal, was the Son of *Walter Buchanan of Buchanan and of Spittal*. He married Isabel Cunningham, and had a Son—Edward.

Evidence.—The subject of this section, Walter Buchanan, was infeft in the Temple-lands of Easter Catter on the 14th of December, 1519, on a precept by his father, specially designated “Walterus bucquhanane de *eodem*.” The instrument of seisin bears that he had disposed in *liferent* “dilecto filio meo Waltero bucquhanane, totam et integram terram meam templariam de Ester Catter mihi hereditarie pertinentem, infra parochiam de Kilmaronok et vicecomitatum de Dunbartane, quam terram Johannis Stivenson occupavit et manuravit, prout carta mea dicto Waltero filio meo desuper confecta plenius continentur.”*

Walter, who thus founded the family of Spittal, besides this paternal inheritance, acquired other possessions, such as the Temple-lands of M'Ynno or Macknoe, half the lands of Merkynch, and the lands of Blairvoky. In the year 1525 he was personally invested in the first of these, M'Ynno, under the designation of “Valterus bucquhanane, filius domini bucquhanane de *eodem*,” by his father, to whom George, Preceptor of Torphichen, the superior, had directed a precept as “dilecto nostro Val-

* *Instrument of Seisin.*—Spittal Titles, No. 8.

“ tero bucquhanane de eodem ballivo nostro templario infra vice-
“ comitatum de Levenax.” *

It must be kept in view, as a fact of considerable importance in connecting the chain of evidence adduced in this genealogy, that Walter, the first of Spittal, also had acquired half the lands of Merkynch : Likewise, that previous to 1527 he had married Isabel Cunningham, in which year the lands were resigned into the hands of Sir William Cunningham, superior of the barony of Kilmaronock and Kilmaurs, for infestment “ honesto viro Val-
“ tero boquhanan et Isabelle Cwunyngam ejus sponse eorum-
“ que alteri diutius viventi,” to the *heirs* procreated, or to be procreated, between them and assigns. † By this means the parties either might have obtained a charter of confirmation for themselves, or if any unexpected obstacle interposed to prevent it, of which many may be figured, their heirs could do so, and complete their title on their predecessor’s resignation.

Further, a precept of seisin was granted, in the year 1535, by Andrew Cunningham of Blairquhois, with consent of his curator, for infesting Walter Buchanan and his spouse Isabella, in conjunct fee and liferent, and their heirs, in the lands of Blairwoky. ‡

Walter, besides, held the office of parish-clerk of Killearn, an appointment which seems to have been of some consideration while the Roman Catholic religion predominated in Scotland, and it was continued in the family of Spittal, by new elections, during the two succeeding generations.

The precise period of Walter Buchanan’s decease has not been ascertained. Writings regarding him are dated in 1533, 1534,

* *Instrument of Seisin*, 15th April, 1525. Spittal Papers, No. 5.

† *Seisin*, Merkynch Titles, No. 10, in the Spittal Charter Chest.

‡ *Precept of Seisin*, 25th October, 1535. Spittal Papers, No. 15.

1535;* and the public records of 1538 exhibit the following entry :

“ Apud Edinburgh xxviii Novembris anno domini MV^c xxxviii.
 —Quo die Archibaldus Galbraith de Portnellane, *Walterus*
“ bucquhanan, frater domini de bucquhannane et Johannes Logane
 “ plegii deuenerint conjunctim et diuisim ad intrandum Walte-
 “ rum McEwart coram Justiciario S. D. N. regis ac suis deputatis ;
 “ —ad subeundum legem pro arte et parte interfectionis quondam
 “ Johannis More.”†

He had a Son—Edward.

II.—EDWARD BUCHANAN of Spittal was the son and heir of the preceding Walter, (*Section I.*) He married Christian Galbraith, and had a Son—Robert.

Evidence.—Walter Buchanan of Buchanan and Spittal, had two sons, the elder, George, who carried on the principal line of the family, and Walter, the first of Spittal, who was the younger. The heritage acquired by the latter, in default of leaving issue, would have regularly devolved on George or his heirs, but, from having left issue, the lands of Walter never enlarged the possessions of the House of Buchanan ; likewise, if any liferent interest previously granted, reverted to the family, on decease of the liferenter, it could be rendered a new provision of the same kind, or could be disposed in fee. This mode of providing for the younger branches of a family was not uncommon of old, and even now it is recognized, especially in regard to the portions of females. The provision, whatever it was, returned to the family ; it was again bestowed in liferent ; but if any of the children found sufficient favour in the eyes of the parents, whose main object, generally, was to enrich the eldest, it was converted to an irrevocable donation ; and, if a land estate, the donee, together with his suc-

* *Notorial Instrument on a Decree Arbitral*, No. 12 : also Nos. 13, 14.

† *Books of Adjournal*, vol. ii.

cessors, were thenceforward designed by its name. This actually occurred in the present case.

The lands of Blairvoky, referred to in the conclusion of the former section, had been conveyed "Valtero bucquhanane de Spittal, et Isabelle Cwnyngham ejus sponse, ac eorum diutius viventi, in conjuncta infeodatione et heredibus inter ipsos legitime procreatis seu procreandis."* They descended in regular succession through these heirs, until sold about a century ago to the family of Montrose, by the claimant's grandfather, John Buchanan of Spittal.

Independent of succession in heritable property, Walter seems to have been desirous of preserving his other possessions in his family: for, some years preceding his decease, namely in 1531, having resigned the parish-clerkship of Killearn, his son Edward became his successor in that also: and it will be seen that his grandson, Robert, enjoyed the same office. These facts are proved by the instruments of election, and induction of the former, wherein he is designed "Edwardus bowquhanane, filius Walteri bowquhanane," and the office is said to be vacant "per simplicem demissionem honorabilis viri Walteri Buchquhanane patris dicti Edwardi."† Again, it is stated in the instrument of Robert's election, "quod personaliter comparuit generosus juvenis Robertus buchanane, filius Edwardi bucquhanane de Spittell, in ecclesie parochiali de Killern." These two appellations, *honorabilis* and *generosus*, testify that the holders of the office were persons of consideration. It can be shewn, indeed, that previous to the Reformation, it was one of very different importance from what it was esteemed after it, for then it was an object of ambition to wealthy and reputable families. The appointment of Edward took place in the lifetime of his father, when he is designed *providus adolescens*, as a better

* *Precept of Seisin.* Spittal papers, No. 15.

† *Notarial Instruments of Election and Confirmation,* 29th August and 18th September, 1531. Spittal Papers, No. 9, 10.

indication perhaps of personal qualities. The custody of the consecrated vessels formed part of the charges committed to the parish-clerk, and he was responsible for various other duties.*

Edward Buchanan of Spittal and his descendants, are found in possession of the whole property known to have belonged to Walter, the first of the family. It has been seen that Walter was infeft in the Temple-lands of M'Ynno or Macknoe, in the year 1525.† But these were burdened, or disposed under reversion, by Edward, the subject of this Section, who was the next in succession. In the year 1559, a bond of reversion was granted by William Maklane, setting forth, that "albeit ane honorable man, Edward bucquhanane of the Spittal, to me, my airis, and assignais, his sauld and analyt heretable be chartour and sesing, all and hail his temple-land of Maknoe, quhilk I occupy at the making of thir presents," nevertheless he bound himself, on receiving a tack of the same for three years, "together with twenty pounds, to renounce and deliver agane to the said Edward, his airis and assignayis, the forenemit landis of Maknoe, with the pertinens, with chartour, sesing, and all vther evidentis, maid and gevin to me there-upone."‡

Recurring to the fact previously alluded to in the preceding section, it will be recollected that Walter, the first of Spittal, had resigned the lands of Merkynche into the hands of the superior for new infeftment to himself and Isabel his spouse, in liferent, and to the heirs procreated by them in fee. This afforded an opportunity to the latter of now completing their titles to the property. Accordingly, Isabel, after having made a second marriage, was in-

* The family of Maxwell of Breidland, in the county of Renfrew, and that of Stewart of Wyndelaw, were respectively parish-clerks of Neilston and Carmunnock. In the year 1542 an action was raised by William Stewart, one of the latter, against certain individuals, "for spoliatio frae him of his haly watter fleske and stoupe."

† *Seisin*. Spittal Papers, No. 5.

‡ *Bond of Reversion*, 5th June, 1559. Spittal Papers, No. 7.

feft in Merkynche, in liferent, in the year 1557, and Edward Buchanan, as heir of the first marriage, was infeft in fee, on charter and precept by Alexander Earl of Glencairn, son and heir of the before-named Andrew Cunningham.*

It is necessary to observe, further, that the lands of Spittal, or Easter Catter, which were granted by Walter Buchanan of Buchanan to his son Walter, in liferent only, having reverted to the family, George, the next in succession, executed an absolute conveyance of them in favour of Edward. This charter proceeds on the narrative of “pro singularibus amore et favore, quos habeo et gero erga dilectum meum Edwardum buchquhanan de Spittell,” and disposes to him “omnes et singulas terras meas templarias vocatas lie Spittell de Easter Catter quas nunc occupat dictus Edwardas” in 1557.†

Thus, the whole possessions of the family descended to Edward, who farther acquired certain interests in the lands of Gartochorran, in the county of Dunbarton.

He married Christian Galbraith, but whether she was the daughter of Archibald Galbraith of Portnellane, his father Walter’s co-obligant, has not been positively ascertained. Several grants were made from the lands of Gartochorran, in conjunct fee and liferent to the spouses, and to the heirs of their bodies in fee. ‡

Edward Buchanan had a Son—Robert.

III.—ROBERT BUCHANAN of Spittal was Son and Heir of the preceding Edward, (*Section II.*) He married Margaret Galbraith, and had a Son—Walter.

Evidence.—Edward Buchanan had been appointed Parish-Clerk of Killearn, as already explained, on the resignation of his father

* *Merkynche Titles* in the Spittal Charter-chest, No. 21.

† *Charter.* Spittal Titles, No. 6.

‡ *Gartochorran Titles*, No. 9, 10, 11, 12.

Walter in 1531 ; and about twenty years later, Robert, the subject of the present Section, was nominated to the same office in 1551.* But, in consequence of the Reformation, when the whole ecclesiastical system was abrogated and remodelled, it became of an inferior description, and thence ceased to be a desideratum to the other descendants of the family, no one of whom afterwards filled it. In the notorial instruments of Election and Confirmation, as previously stated, he is designed “*generosus juvenis Robertus Buchananus filius Edwardi bucquhanane de Spittell.*”

Robert married Margaret Galbraith. In contemplation of this marriage, as it appears, an annuity was provided by him from the lands of Merkynche in 1564 “*honeste puelle Margarete Galbraith in sua virginitate;*”† and she was infeft by him *propriis manibus* in the liferent of Spittel of Easter Catter in the same year.‡ In the years 1569 and 1570 there were further infestments taken for her in the lands of Merkynche, in implement of her contract of marriage.§ Robert Buchanan had acquired the lands of Finwick Malice, from which he granted an annualrent of two bolls of barley to Patrick Walkinshaw, minister of the Gospel at Drymen. The infestment on this expresses, that he gave seisin *propriis manibus* in 1587, “*personaliter constitutus honorabilis vir Robertus Buchanan de Spittal accessit ad terras infra scriptas,*” etc.||

He had a Son—Walter.

* *Notorial Instruments of Election and Confirmation*, dated 9th February, 1550, (i. e. 1551,) and 12th December, 1551. Spittal Papers, No. 16.

† *Seisin*. Merkynche Titles, No. 17.

‡ *Seisin*. Spittal Titles, No. 26, also 27.

§ *Charter*. Merkynche Titles, No. 15.

|| *Registered Extract, Spittal Papers*, No. 28.—*Seisin*, No. 24.

IV.—WALTER BUCHANAN of Spittal was Son and Heir of the preceding Robert, (*Section III.*) He married, first, Jean Stirling,—Secondly, Margaret Lawson, and left a Son—Edward.

Evidence.—The deed above referred to, whereby Robert of Spittal, the subject of section III., granted an annualrent of two bolls of barley to the minister of Drymen, is witnessed by “*Walter Buchanan, my son.*”

Walter married, first, Jean, daughter of John Stirling of Craigharnet. This is proved by a contract of marriage, dated on the 7th of October, 1593, which was entered into between “*Johnne Sterling, elder of Craigharnet, Johnne Sterling, younger, his sone and appearand air, fiar thairof, and Jene Sterling, the said Johnne Sterling’s eldest dochter lauchfull, on aine part, and Robert bowquhanane of Spittell, Margaret Colbraith, his spows, and Valter bowquhanane, thair sone and appearand air, on the vther pairt.*”^{*} Likewise, on the 7th of November, 1593, the spouses were infeft in the lands of Gartoquhorran, under the designation of “*Walterus Buchanan, filius ac heres Roberti Buchanan de Spittell et Joanne Stirling ejus sponse,*” on a precept by Ludovic, Duke of Lennox.† Walter married, secondly, Margaret Lawson. Various deeds, which it is unnecessary to specify, were executed, jointly or severally, by these parties, between the years 1608 and 1629, or 1630, in which last probably Walter died. He left a Son—Edward.

^{*} *Contract of Marriage.* Spittal Papers, No. 25

† *Seisin.* Gartochoorran Titles, No. 18.

V.—EDWARD BUCHANAN of Spittal, was Son and Heir of the preceding Walter, (*Section IV.*) He married, first, Helen Edmonstone,—Secondly, Margaret Buchanan, and had a Son—James.

Evidence.—The facts here assumed are established by various documents referred to under this and the two succeeding Sections. The first marriage is proved by an infeftment, dated 7th May, 1630, of the third part of the four-merk land of “Eister Cateris,” in favour of “Edward buchane, sone and appearand air to the said Walter Buchanane of Spittal, and Helene Edmestown, his spous, and langest levare of thame tua, in conjunct fee and liferent,” and their heirs. This proceeds upon a resignation by Sir John Buchanan of that Ilk, into the hands of Haldane of Gleneglis, the superior, wherein the land is said to have been previously held by Walter Buchanan of Spittal.*

Edward married, secondly, Margaret, daughter of John Buchanan of Ross. By contract of marriage, dated at the Kirk of Drymen, 3d July, 1646, between Edward Buchanan of Spittal, and John Buchanan of Ross, taking burden on him for Margaret his daughter, “the said Edward Buchanan and the said Margaret Buchanan engage to solemnise their marriage betwixt the date heireof and the first day of August nixt to cum, God willing.” And, in contemplation of it, Edward became bound to infeft his promised spouse in the lands of Nether Gartochorran.†

Edward survived the year 1669. He had a Son—James, who carried on the line of succession.

* *Charter and Seisin.* Spittal Titles, Nos. 29, 30.

† *Contract of Marriage.* Spittal Papers, No. 33.

VI.—JAMES BUCHANAN was eldest son of the preceding Edward of Spittal, (*Section V.*) He married Janet Buchanan, and left a Son and Heir—Edward.

Evidence.—On the penult of March, 1646, a contract of marriage was entered into between “ Edward Buchanan of Spittal, for himself, and taking burding on him for James Buchanan, his eldest sone and appearand air, and said James for himself, on the ane pairt, and Johne Buchanane of Cashlie, for himself, and taking the burding on him for Jonet Buchanan his daughter, on the other part :” which contract contains certain provisions by the father of James and of Jonet, from Spittal and Gartochorran, in favour of them and the heirs of the marriage.*

James Buchanan died between the years 1659 and 1664, at which period his eldest son, Edward, had not attained the age of majority. These facts are proved by an obligation of his surviving father, dated 28th September, 1664, in implement of the contract of marriage above mentioned. Therein it is set forth, that he was bound to infest his son’s wife in “ all and hail the land of Spittal of Easter Catter, presentlie possest be her, in liferent and conjunct fee all the days of her lifetime, and was oblist to infest the said unquhill James, my son, his aires and assignyes, in all and hail my lands of Gartochorrans, Over and Nether, with the said Spittal of Easter Catter, above written, with that other Spittal presentlie possest be myself ; reserving always to myself in liferent, during all the dayes of my lyfetye, the Nether Town of Gartochorran, with the foresaid Spittell possest

* *Contract of Marriage.* Spittal Papers, No. 35.

“ by myself, called Spittell Malis, and in the quhilk lands and
 “ pertinentis above written I was oblist to infest my said umquhill
 “ son, with the burdene of ane thousand merks Scots money,
 “ quhilk he was to give my two sones, Edward and Robert
 “ Buchananis, of the second marriage, and for the which he hes
 “ granted his band, of dait 29th June, 1659.” Further, that he
 was bound to infest Edward his *grandson*, eldest son of the de-
 ceased James, in the lands above written, viz. “ the lands of Over
 “ and Nether Gartochorran, with the foresaid two Spittels, and
 “ third part of Easter Catter.”*

VII.—EDWARD BUCHANAN of Spittal was Son of the preceding James, (*Section VI.*) He succeeded his grandfather Edward, (*Section V.*) married Christian Mitchell, and left a Son—John.

Evidence.—Edward, the grandfather of Edward the subject of this Section, had implemented the various obligations which have been just specified, in the year 1669. That his grandson succeeded him is proved by a charter of confirmation by Quintin Haldane of Gleneagles, dated 7th September, 1673, to Edward Buchanan, “ nunc de Spittell,” his heirs and assignees, of “ quondam dispositionem de data decimo sexto die mensis Novembris, anno domini millesimo sexcentesimo sexagesimo quinto, factam, datam, et concessam, per quondam Edwardum Buchanan de Spittell, sui avum, in favorem dicti Edwardi Buchanan, nunc de Spittell, instrumentumque sasinæ deinde sequentem de data decimo

* *Obligacione Edward Buchanan to his dochter-in-law, and his oyes.* Spittal Papers, No. 37.

“ octavo mensis Maii, anno millesimo sexcentesimo sexagesimo
 “ nono, totarum et integrarum juste et equalis tertiæ partis qua-
 “ tuor mercatarum terrarum de Easter Catter.”*

Edward married Christian Mitchell, in evidence of which there is a contract of marriage, dated 4th January, 1673, whereby “ Ed-
 “ ward Buchanan of Spittell, on the ane pairt,” and “ Christian
 “ Mitchell, eldest daughter to Mr. Thomas Mitchell, minister at
 “ Kilmaronok, with the speciall advyse and consent of her said fa-
 “ ther,” bound themselves “ to solemnizat the haly band of matri-
 “ mony.” Edward also became bound to infest her in Over and
 Nether Gartochorran, and to provide these lands, together with
 the third part of the four-merk land of Easter Catter, the Spittal
 of Easter Catter, and the Spittal of Finwick Malice, to the heirs-
 male of the marriage.†

He left a Son—John.

VIII.—JOHN BUCHANAN of Spittal was Son of the preceding
 Edward, (*Section VII.*) He married Margaret Muirhead,
 and left Three Sons—Robert, Peter, and Thomas.

Evidence.—The facts now assumed are proved by various docu-
 ments ; and, *first*, by a Contract of Marriage in 1707, bearing to
 be between ‘ John Buchanan, eldest lawful son to Edward Bu-
 ‘ chanan of Spittal, with advyce and consent of his said father,
 ‘ and of Christian Mitchell, his spouse, and they all for them-
 ‘ selves and their respective interests underwritten, on the ane
 ‘ part, and Margaret Muirhead, relict of Mr. Robert Buchanan of

* *Charter of Confirmation.* Spittal Titles, No. 40.

† *Contract of Marriage.* Spittal Papers, No. 39.

‘ Arnpryre, for herself, with advyce and consent of Patrick Muir-
 ‘ head of Rashie Mill, on the other part.’ By this contract the
 heritable property of the family was destined to the issue of
 the marriage, but under reservation of the liferent of the said
 Edward Buchanan and Christian Mitchell, his said spouse;* and,
 in implement of it, John Buchanan, eldest lawful son of Edward
 Buchanan of Spittal and Margaret Muirhead were infest 25th
 April, 1707.†

They had Three Sons—Robert, Peter, and Thomas.

IX.—ROBERT BUCHANAN of Spittal was Son of the preceding
 John, (*Section VIII.*) He died without issue, and was suc-
 ceeded by his brother—THOMAS.

Evidence.—The subject of this Section is specially designed
 “ Robert Buchanan, eldest lawful son to the deceast John Bu-
 “ chanan of Spittal,” in an instrument of seisin, dated 7th June,
 1733, bearing his infestment in the lands of Gartochorran, “ in
 “ the seventeen shilling and threepenny land of Easter Catter,
 “ Finwick Malice, and the Spittal of Easter Catter.”‡

Robert and his brother Peter having died without legitimate
 issue, the succession devolved on Thomas.

* *Contract of Marriage.* Spittal Papers, No. 41.

† *Seisin.* Spittal Titles, No. 42.

‡ *Seisin.* Gartochorran Titles, No. 44.

X.—THOMAS BUCHANAN of Spittal was Son of JOHN BUCHANAN of Spittal, (*Section VIII.*) and brother of ROBERT, (*Section IX.*) He married, first, KATHERINE BUCHANAN,—Secondly, ELIZABETH HAMILTON.

Evidence.—Robert, Peter, and Thomas Buchanan, along with their sister Christian, were infest in an annualrent of 300 merks from the lands of Gartochorran in 1723.*

On the decease of Robert and Peter the succession devolved on Thomas,† who married, first, Katherine, daughter of Henry Buchanan of Leny, whereby the estate of Leny has come into the family; and, on her decease, secondly, Elizabeth, daughter of John Hamilton of Bardowie, whence the estate of Bardowie has been acquired.

Thomas had five sons—Henry, John, Robert, FRANCIS (the claimant), and Peter. The first and last died unmarried. John and Robert married;—the former had no issue;—the latter left a son, who predeceased his uncle John, unmarried.

XI.—FRANCIS HAMILTON BUCHANAN of Spittal, the Claimant, is Son and Heir of the preceding THOMAS, (*Section X.*) and heir-male and representative of WALTER the first of Spittal, thence of the house of BUCHANAN of Buchanan.

Evidence.—On failure of all the preceding heirs, the representation of the family, along with the lands of Spittal, originally pertaining to Walter Buchanan of Buchanan, in 1519, devolved on the claimant. In the year 1826 he was served nearest lawful heir-male to his uncle, Robert Buchanan of Spittal, whose pedigree having been already deduced, (*Section IX.*) renders it unnecessary to extend this genealogy farther than reference to the retour.‡

* *Seisin.* Gartocharran Titles, No. 42.

† *Entail of the Estates*, dated Dec. 10, 1786

‡ *Retour*, September 13, 1826.

Thus the claimant has endeavoured to establish his representation of the House of Buchanan, by numerous authentic documents, with as much brevity and perspicuity as the nature of the case will admit. Though the evidence be so satisfactory to him, that he has avoided any discussion on its various branches, it cannot be conceived that the same profusion of materials is accessible, or that equal facilities attend the investigation of facts of ancient date, as are afforded by incidents of modern occurrence. Many events have existed, which there is now no possibility of proving, notwithstanding their consequences are daily under observation. It is otherwise here; for each averment, independently of its own merits, has the direct support of antecedent and subsequent facts and circumstances, with their reciprocal illustrations.—But, to shun all hazard of arrogating a right, to which, however erroneously, any other person may indulge pretensions, the Claimant gives his own the utmost publicity. Copies of the preceding Statement are printed for the special purpose of distribution among those having an interest in acknowledging who is the legitimate CHIEF of their name.

GENEALOGY.

GENEALOGY.

Walter Buchanan
of
Buchanan and *Spittal*.

1519.

||

Walter Buchanan
of
Spittal.

||

Edward Buchanan
of
Spittal.

||

Robert Buchanan
of
Spittal.

||

Walter Buchanan
of
Spittal.

||

Edward Buchanan
of
Spittal.

||

James Buchanan, eldest son of Edward Buchanan of *Spittal*,
predeceased his Father
1659—1664.

||

Edward Buchanan
of
Spittal.

||

John Buchanan
of
Spittal.

||

Thomas Buchanan
of
Spittal,

Married, 1. Katherine Buchanan ;—2. Elizabeth Hamilton.

||

Francis Hamilton Buchanan
of
Spittal,

CLAIMANT.

CLAIM OF THE HEAD OF THE FAMILY OF BUCHANAN

OF

Spittal,

AS CHIEF OF THE FAMILY OF BUCHANAN

OF

Buchanan.

EDINBURGH :

PRINTED BY JAMES CLARKE & CO. OLD STAMP OFFICE.

1828.

AN

AMENDED STATEMENT

OF THE CLAIM OF THE HEAD OF THE

FAMILY OF BUCHANAN OF SPITTAL

TO BE CONSIDERED THE *CHIEF* OF THE NAME,

*As Male Representative of the Family of Buchanan of
Buchanan.*

THE descent of the House of Buchanan, which has disseminated a numerous clan throughout Scotland, can be deduced from remote antiquity. But it is not essential that the following genealogy should ascend higher than the year 1519, when Walter Buchanan of *Buchanan* and *Spittal* is known to have been in possession of the paternal inheritance, and to have represented the family. Towards the middle of the sixteenth century, or earlier, the branch of Auchmar, which subsisted during a considerable time, is believed to have sprung from a cadet of the principal stock, named John or William. The direct line of male succession, however, having failed in 1682, and the branch of Auchmar also being extinct, the representation of the family, in default of collaterals of later origin, necessarily devolves on the heir-male of Walter, the chief of his name.

The claimant, as head of the family of *Spittal*, proposes to shew, from authentic documents, that it is he who stands in this relation; that he is lineally descended from Walter of Spittal, the son of Walter Buchanan of Buchanan and Spittal, who lived in the year 1519.

But, in doing so, it is very far from his design to advance undue pretensions. Not only has he made every possible inquiry,

though in vain, whether any one having a preferable right could be discovered, to whom he should have readily conceded the honour of representing this ancient family. But, further, he shall deposit the documents whereon his own claim is founded with the Secretary to the BUCHANAN SOCIETY in Glasgow, that all who conceive themselves interested may have an opportunity of judging of their relevancy. He is anxious to proceed with much deliberation ; for nothing would be so unsuitable and derogatory as the precipitate assumption, or the admission, of such a distinction, on false or erroneous principles.

In order that the following detail may be comprehended the more easily, it is important to preserve three special points in remembrance :—1. That the property, from whence the designation of the claimant's family is derived, having belonged anciently to the Knights Templars, and then to the Knights of St. John of Jerusalem, a religious order governed by the Commendator or Preceptor of Torphichen, is described in former writings under the alternative name of *Temple-lands of Easter Catter—Spittal of Easter Catter*—or simply *Spittal*.*

2. That besides Spittal, the family acquired, at successive intervals, the lands of M'Ynno or Macknoe, Blairwocky or Blairvoky, and Gartochorran or Gartquhorran, some of which were alienated by the claimant's predecessors. But the lands of Spittal have descended to himself, in the regular course of succession, from Walter Buchanan of Buchanan and Spittal, the Chief of his name, and remain in his possession at the present day.

3. That if there be occasionally an apparent discrepancy of name, it is only apparent or orthographical, not real, and must be ascribed solely to that irregularity so common of old, whereby

* The Order of Knights *Templars* having been suppressed in the year 1312, their possessions were bestowed on the Knights of St. John of Jerusalem, whose chief establishment in Scotland, anciently, was designed the Hospital of Torphichen. Thence Spittal, *i. e.* *Hospital* and Temple, *i. e.* *Templar-land*, are used indiscriminately. The Superior of this order was designed "Commendator preceptorie sacre domus hospitalis beati Johannis Jerusalemensis infra regnum Scocie;" and sometimes Magister or Preceptor.

the precise designation either of parties, or of their property, often was vitiated, or even entirely omitted.

But, as a substitute for any, or for all of these deficiencies, none of which affect the essence of his case, the claimant shall uniformly quote the identical words of the different documents, both to supersede the need of commentary, and to prove the exact import to be ascribed to them.

SECTION I.—WALTER BUCHANAN, the first of Spittal, was the Son of *Walter Buchanan of Buchanan and of Spittal*. He married Isabel Cunningham, and had a Son—Edward.

Evidence.—The subject of this section, Walter Buchanan, was infeft in the Temple-lands of Easter Catter on the 14th of December, 1519, on a precept by his father, specially designated “*Walterus bucquhanane de eodem.*” The instrument of seisin bears that he had disposed in *liferent* “*dilecto filio meo Waltero bucquhanane, totam et integram terram meam templariam de Ester Catter mihi hereditarie pertinentem, infra parochiam de Kilmaronok et vicecomitatum de Dunbartane, quam terram Johannis Stivenson occupavit et manuravit, prout carta mea dicto Waltero filio meo desuper confecta plenius continentur.*” *

Walter, who thus founded the family of Spittal, besides this paternal inheritance, acquired other possessions, such as the Temple-lands of M'Ynno or Macknoe, half the lands of Merkyne, and the lands of Blairvoky. In the year 1525 he was personally invested in the first of these, M'Ynno, under the designation of “*Valterus bucquhanane, filius domini bucquhanane de eodem,*” by his father, to whom George, Preceptor of Torphichen, the superior, had directed a precept as “*dilecto nostro Valtero bucquhanane de eodem ballivo nostro templario infra vicecomitatum de Levenax.*” †

* *Instrument of Seisin.* Spittal Titles, No. 8.

† *Instrument of Seisin,* 15th April, 1525. Spittal Papers, No. 5.

It must be kept in view, as a fact of considerable importance in connecting the chain of evidence adduced in this genealogy, that Walter, the first of Spittal, also had acquired half the lands of Merkynch: Likewise, that previous to 1527 he had married Isabel Cunningham, in which year the lands were resigned into the hands of Sir William Cunningham, superior of the barony of Kilmaronock and Kilmaurs, for infestment “honesto viro Val-
“tero boquhanan et Isabelle Cwnyngham ejus sponse eorum-
“que alteri diutius viventi,” to the *heirs* procreated, or to be procreated, between them and assigns. * By this means the parties either might have obtained a charter of confirmation for themselves, or if any unexpected obstacle interposed to prevent it, of which many may be figured, their heirs could do so, and complete their title on their predecessor’s resignation.

Further, a precept of seisin was granted, in the year 1535, by Andrew Cunningham of Blairquhois, with consent of his curator, for infesting Walter Buchanan and his spouse Isabella, in conjunct fee and liferent, and their heirs, in the lands of Blairwoky. †

Walter, besides, held the office of parish-clerk of Killearn, an appointment which seems to have been of some consideration while the Roman Catholic religion predominated in Scotland, and it was continued in the family of Spittal, by new elections, during the two succeeding generations.

The precise period of Walter Buchanan’s decease has not been ascertained. Writings regarding him are dated in 1533, 1534, 1535; ‡ and the public records of 1538 exhibit the following entry:

“Apud Edinburgh xxviii Novembris anno domini M^V^C xxxviii.
“—Quo die Archibaldus Galbraith de Portnellane, *Walterus*

* *Seisin*, Merkynch Titles, No. 10, in the Spittal Charter-Chest.

† *Precept of Seisin*, 25th October, 1535. Spittal Papers, No. 15.

‡ *Notorial Instrument on a Decree Arbitral*, No. 12: also Nos. 13, 14.

“ *bucquhanan, frater domini de bucquhannane et Johannes Logane*
 “ *plegii deuenerint conjunctim et diuisim ad intrandum Walte-*
 “ *rum McEwart coram Justiciario S. D. N. regis ac suis deputatis ;*
 “ *—ad subeundum legem pro arte et parte interfectionis quon-*
 “ *dam Johannis More.*” *

He had a Son—Edward.

II.—EDWARD BUCHANAN of Spittal was the Son and Heir of the preceding Walter, (*Section I.*) He married Christian Galbraith, and had a Son—Robert.

Evidence.—Walter Buchanan of Buchanan and Spittal, had two sons, one elder, who carried on the principal line of the family, and Walter, the first of Spittal, who was the younger. The heritage acquired by the latter, in default of his leaving issue, would have regularly devolved on the elder son or his heirs, but, from having left issue, the lands of Walter never came to the principal line ; likewise, if any liferent interest previously granted reverted to the family, on decease of the liferenter, it could be rendered a new provision of the same kind, or could be disposed in fee. This mode of providing for the younger branches of a family was not uncommon of old, and even now it is recognised, especially in regard to the portions of females. The provision, whatever it was, returned to the family ; it was again bestowed in liferent ; but if any of the children found sufficient favour in the eyes of the parents, whose main object, generally, was to enrich the eldest, it was converted to an irrevocable donation ; and, if a land estate, the donee, together with his successors, were thenceforward designed by its name. This actually occurred in the present case.

The lands of Blairvoky, referred to in the conclusion of the former section, had been conveyed “ *Valtero bucquhanane de*
 “ *Spittel, et Isabelle Cwnyngham ejus sponse, ac eorum diutius*

* *Books of Adjournal.*

“viventis, in conjuncta infeodatione et heredibus inter ipsos legitime procreatis seu procreandis.”* They descended in regular succession through these heirs, until sold about a century ago to the family of Montrose, by the claimant’s grandfather, John Buchanan of Spittal.

Independently of succession in heritable property, Walter seems to have been desirous of preserving his other possessions in his family: for, some years preceding his decease, namely in 1531, having resigned the parish-clerkship of Killearn, his son Edward became his successor in that also: and it will be seen that his grandson, Robert, enjoyed the same office. These facts are proved by the instruments of election, and induction of the former, wherein he is designed “Edwardus bowquhanane, filius Walteri bowquhanane,” and the office is said to be vacant “per simplicem demissionem honorabilis viri Walteri Buchquhanane patris dicti Edwardi.”† Again, it is stated in the instrument of Robert’s election, “quod personaliter comparuit generosus juvenis Robertus bucharane, filius Edwardi buquhanane de Spittell, in ecclesie parochiali de Killern.” These two appellations, *honorabilis* and *generosus*, testify that the holders of the office were persons of consideration. It can be shewn, indeed, that previous to the Reformation, it was one of very different importance from what it was esteemed after it, for then it was an object of ambition to wealthy and reputable families. The appointment of Edward took place in the lifetime of his father, when he is designed *providus adolescens*, as a better indication perhaps of personal qualities. The custody of the consecrated vessels formed part of the charges committed to the parish-clerk, and he was responsible for various other duties. ‡

* *Precept of Seisin*. Spittal Papers, No. 15.

† *Notarial Instruments of Election and Confirmation*, 29th August and 18th September, 1531. Spittal Papers, No. 9, 10.

‡ The family of Maxwell of Breidland, in the county of Renfrew, and that of Stewart of Wyndelaw, were respectively parish-clerks of Neilston and Carmunnock. In the year 1542 an action was raised by William Stewart, one of the latter, against certain individuals, “for spoliation frae him of his haly watter fleske and stoupe.”

Edward Buchanan of Spittal and his descendants, are found in possession of the whole property known to have belonged to Walter, the first of the family. It has been seen that Walter was infeft in the Temple-lands of M'Ynno or Macknoe, in the year 1525.* But these were burdened, or dispoſed under reversion, by Edward, the ſubject of this Section, who was the next in ſucceſſion. In the year 1559, a bond of reversion was granted by William Maklane, ſetting forth, that “albeit ane
 “honorabſe man, Edward bucquhanane of the Spittal, to me,
 “my airis, and assignais, his ſauld and analyt heretable be char-
 “tour and ſeſing, all and haill his temple-land of Macknoe,
 “quhilk I occupy at the making of thir preſents,” nevertheſſe
 he bound himſelf, on receiving a tack of the ſame for three
 years, “together with twenty pounds, to renounce and deliver
 “agane to the ſaid Edward, his airis and assignayis, the fore-
 “nemit landis of Macknoe, with the pertinens, with chartour,
 “ſeſing, and all vther evidentis, maid and gevin to me there-
 “upone.”†

Recurring to the fact previously alluded to in the preceding Section, it will be recollected that Walter, the firſt of Spittal, had reſigned the lands of Merkynche into the hands of the ſuperior for new infeftment to himſelf and Isabel his ſpouſe, in liferent, and to the heirs procreated by them in fee. This afforded an opportunity to the latter of now completing their titles to the property. Accordingly, Isabel, after having entered into a ſecond marriage, was infeft in Merkynche, in liferent, in the year 1557, and Edward Buchanan, as heir of the firſt marriage, was infeft in fee, on charter and precept by Alexander Earl of Glencairn, ſon and heir of the before-named Andrew Cunningham.‡

It is neceſſary to obſerve, further, that the lands of Spittal, or Eaſter Catter, which were granted by Walter Buchanan of Buchanan to his ſon Walter, in liferent only, having reverted to

* *Seisin.* Spittal Papers, No. 5.

† *Bond of Reversion,* 5th June, 1659. Spittal Papers, No. 7.

‡ *Merkynche Titles* in the Spittal Charter-Chest, No. 21.

the family, this afforded an opportunity for George, the heir in succession, to execute an absolute conveyance of them in favour of his cousin Edward. These two, George and Edward, were grandsons of Walter Buchanan of Buchanan : George was in possession of the lands of Buchanan, and Edward in possession of the lands of Spittal. The charter now alluded to, which is dated 1551, proceeds thus—“ Omnibus hanc cartam visuris vel auditoris
 “ Georgius Buchquhanane de eodem, salutem in domino sem-
 “ piternam, noveritis me pro singularibus favore et amore quos
 “ habeo et gero erga dilectum meum consanguineum Edwardum
 “ Buchquhannane,” etc.—“ Dedissee concessisse, vendidisse alie-
 “ nasse et ad feodifirmam dimisisse necnon dare, concedere ven-
 “ dere, alienare et ad feodifirmam dimittere dicto Edwardo
 “ Buchquhannane, heredibus suis et assignatis omnes et singulas
 “ terras templarias meas de Easter Catter quas nunc occupat
 “ dictus Edwardus tempore confectionis hujus carte.” This charter is confirmed by “ *James Lord Sandilens*,” designed, “ *Jacobus, domus beati Johannis, Preceptor de Torphichen miles, ordinis Jerosolomitani*”—the superior in 1556.*

Thus, the whole possessions of the family descended to Edward, who farther acquired certain interests in the lands of Gartochorran, in the county of Dunbarton.

He married Christian Galbraith, but whether she was the daughter of Archibald Galbraith of Portnellane, his father Walter's co-obligant, has not been positively ascertained. There is a charter of confirmation under the Great Seal, dated 1st January, 1545 (*i. e.* 1546), of a preceding grant of the lands of Gartquhorran, in favour of Edward Buchanan and Christian Galbraith his wife. † Several other grants from the same lands, in conjunct fee and liferent, to the spouses, and to the heirs of their bodies in fee, appear at different intervals. ‡

Edward Buchanan had a Son—Robert.

* Spittal Titles, No. 6. A. dated 10th March, 1551, confirmed 20th October, 1556.

† *Registrum Magni Sigilli*, Lib. xxix. No. 312.

‡ Gartochorran Titles, No. 9, 10, 11, 12.

III.—ROBERT BUCHANAN of Spittal was Son and Heir of the preceding Edward, (*Section II.*) He married Margaret Galbraith, and had a Son—Walter.

Evidence.—Edward Buchanan had been appointed Parish-Clerk of Killearn, as already explained, on the resignation of his father Walter in 1531; and about twenty years later, Robert, the subject of the present Section, was nominated to the same office in 1551.* But, in consequence of the Reformation, when the whole ecclesiastical system was abrogated and remodelled, it became of an inferior description, and thence ceased to be a desideratum to the other descendants of the family, no one of whom afterwards filled it. In the notorial instruments of Election and Confirmation, as previously stated, he is designed, “generosus juvenis Robertus buchanane filius Edwardi buchanane de Spittell.”

Robert married Margaret Galbraith. In contemplation of this marriage, as it appears, an annuity was provided by him from the lands of Merkynche in 1564, “honeste puelle Margaretae Galbraith in sua virginitate,”† and she was infeft by him *propriis manibus* in the liferent of Spittal of Easter Catter in the same year.‡ In the years 1569 and 1570, there were further infeftments taken for her in the lands of Merkynche, in implement of her contract of marriage.§ Robert Buchanan had acquired the lands of Finwick Malice, from which he granted an annualrent of two bolls of barley to Patrick Walkinshaw, minister of the Gospel at Drymen. The infeftment on this expresses, that he gave seisin *propriis manibus* in 1587, “persona-

* *Notorial Instruments of Election and Confirmation*, dated 9th February, 1550, (i. e. 1551,) and 12th December, 1551. Spittal Papers, No. 16.

† *Seisin*. Merkynche Titles, No. 17.

‡ *Seisin*. Spittal Titles, No. 26. also 27.

§ *Charter*. Merkynche Titles, No. 15.

“ liter constitutus honorabilis vir Robertus Buchanan de Spittal
 “ accessit ad terras infra scriptas,” etc. *

He had a Son—Walter.

IV.—WALTER BUCHANAN of Spittal was Son and Heir of the preceding Robert, (*Section III.*) He married, first, Jean Stirling,—Secondly, Margaret Lawson, and left a Son—Edward.

Evidence.—The deed above referred to, whereby Robert of Spittal, the subject of Section III., granted an annual rent of two bolls of barley to the minister of Drymen, is witnessed by “*Walter Buchanan, my son.*”

Walter married, first, Jean, daughter of John Stirling of Craigharnet. This is proved by a contract of marriage, dated on the 7th of October, 1593, which was entered into between “*Johnne Sterling, elder of Craigharnet, Johnne Sterling, younger, his sone and appearand air, fiar thairof, and Jene Sterling, the said Johnne Sterling’s eldest dochter lauchfull, on aine part, and Robert bowquhanane of Spittell, Margaret Colbraith, his spows, and Valter bowquhanane, thair sone and appearand air, on the vther pairt.*”† Likewise, on the 7th of November, 1593, the spouses were infeft in the lands of Gartoquhorran, under the designation of “*Walterus Buchanan, filius ac heres Roberti Buchanan de Spittell, et Joanne Stirling ejus sponse,*” on a precept by Ludovic, Duke of Lennox.‡ Walter married, secondly, Margaret Lawson. Various deeds, which it is unnecessary to specify, were executed, jointly or severally, by these parties, between the years 1608 and 1629, or 1630, in which last, probably, Walter died.

He left a Son—Edward.

* *Registered Extract, Spittal Papers, No. 28.—Seisin, No. 24.*

† *Contract of Marriage. Spittal Papers, No. 25.*

‡ *Seisin. Gartochoorran Titles, No. 18.*

V.—EDWARD BUCHANAN of Spittal was Son and Heir of the preceding Walter, (*Section IV.*) He married, first, Helen Edmonstone,—Secondly, Margaret Buchanan, and had a Son—James.

Evidence.—The facts here assumed are established by various documents referred to under this and the two succeeding Sections. The first marriage is proved by an infestment, dated 7th May, 1630, of the third part of the four-merk land of “Eister Cateris,” in favour of “Edward buchhanane, sone and appearand air to the said Walter Buchhanane of Spittal, and Helene Edmestown, his spous, and langest levare of thame tua, in conjunct fee and liferent,” and their heirs. This proceeds upon a resignation by Sir John Buchanan of that Ilk, into the hands of Haldane of Gleneglis, the superior, wherein the land is said to have been previously held by Walter Buchanan of Spittal.*

Edward married, secondly, Margaret, daughter of John Buchanan of Ross. By contract of marriage, dated at the Kirk of Drymen, 3d July, 1646, between Edward Buchanan of Spittal, and John Buchanan of Ross, taking burden on him for Margaret his daughter, “the said Edward Buchanan and the said Margaret Buchanan engage to solemnise their marriage betwixt the date heireof and the first day of August nixt to cum, God willing.” And, in contemplation of it, Edward became bound to infest his promised spouse in the lands of Nether Gartochorran.†

Edward survived the year 1669. He had a Son—James, who carried on the line of succession.

* *Charter and Seisin.* Spittal Titles, Nos. 29, 30.

† *Contract of Marriage.* Spittal Papers, No. 33.



VI.—JAMES BUCHANAN was eldest Son of the preceding Edward of Spittal, (*Section V.*) He married Janet Buchanan, and left a Son and Heir—Edward.

Evidence.—On the penult of March, 1646, a contract of marriage was entered into between “ Edward Buchanan of Spittal, “ for himself, and taking burding on him for James Buchanan, “ his eldest sone and appearand air, and said James for himself, “ on the ane pairt, and Johne Buchanane of Cashlie, for himself, “ and taking the burding on him for Jonet Buchanan his daugh- “ ter, on the other part :” which contract contains certain provisions by the father of James and of Jonet, from Spittal and Gartochorran, in favour of them and the heirs of the marriage.*

James Buchanan died between the years 1659 and 1664, at which period his eldest son, Edward, had not attained the age of majority. These facts are proved by an obligation of his surviving father, dated 28th September, 1664, in implement of the contract of marriage above mentioned. Therein it is set forth, that he was bound to infest his son’s wife in “ all and hail the land “ of Spittal of Easter Catter, presentlie possest be her, in liferent “ and conjunct fee all the days of her lifetime, and was oblist to “ infest the said umquhill James, my son, his aires and assignyes, “ in all and hail my lands of Gartochorrans, Over and Nether, “ with the said Spittal of Easter Catter, above written, with that “ other Spittal presentlie possest be myself ; reserving always to “ myself in liferent, during all the dayes of my lyfetye, the “ Nether Town of Gartochorran, with the foresaid Spittell possest “ by myself, called Spittell Malis, and in the quhilk lands and “ pertinents above written I was oblist to infest my said umquhill “ son, with the burdene of ane thousand merks Scots money,

* *Contract of Marriage.* Spittal Papers, No. 35.

“ quhilk he was to give my two sones, Edward and Robert Buchananis, of the second marriage, and for the which he hes granted his band, of dait 29th June, 1659.” Further, that he was bound to infest Edward his *grandson*, eldest son of the deceased James, in the lands above written, viz. “ the lands of Over and Nether Gartochorran, with the foresaid two Spittels, and third part of Easter Catter.” *

VII.—EDWARD BUCHANAN of Spittal was Son of the preceding James, (*Section VI.*) He succeeded his Grandfather Edward, (*Section V.*) married Christian Mitchell, and left a Son—John.

Evidence.—Edward, the grandfather of Edward the subject of this Section, had implemented the various obligations which have been just specified, in the year 1669. That his grandson succeeded him is proved by a charter of confirmation by Quintin Haldane of Gleneagles, dated 7th September, 1673, to Edward Buchanan, “ nunc de Spittell,” his heirs and assignees, of “ quondam dispositionem de data decimo sexto die mensis Novembris, anno domini millesimo sexcentesimo sexagesimo quinto, factam, datam, et concessam, per quondam Edwardum Buchanan de Spittell, sui avum, in favorem dicti Edwardi Buchanan, nunc de Spittell, instrumentumque sasinæ deinde sequentem de data decimo octavo mensis Maii, anno millesimo sexcentesimo sexagesimo nono, totarum et integrarum juste et equalis tertiæ partis quatuor mercatarum terrarum de Easter Catter.” †

Edward married Christian Mitchell, in evidence of which there is a contract of marriage, dated 4th January, 1673, whereby “ Ed-

* *Obligacione Edward Buchanan to his dochter-in-law, and his oyes.* Spittal Papers, No. 37.

† *Charter of Confirmation.* Spittal Titles, No. 40.

“ ward Buchanan of Spittell, on the ane pairt,” and “ Christian Mitchell, eldest daughter to Mr. Thomas Mitchell, minister at Kilmaronok, with the speciall advyse and consent of her said father,” bound themselves “ to solemnizat the haly band of matrimony.” Edward also became bound to infest her in Over and Nether Gartochorran, and to provide these lands, together with the third part of the four-merk land of Easter Catter, the Spittal of Easter Catter, and the Spittal of Finwick Malice, to the heirs-male of the marriage.*

He left a Son—John.

VIII.—JOHN BUCHANAN of Spittal was Son of the preceding Edward, (*Section VII.*) He married Margaret Muirhead, and left Three Sons—Robert, Peter, and Thomas.

Evidence.—The facts now assumed are proved by various documents; and, *first*, by a Contract of Marriage in 1707, bearing to be between “ John Buchanan, eldest lawful son to Edward Buchanan of Spittal, with advyce and consent of his said father, and of Christian Mitchell, his spouse, and they all for themselves and their respective interests underwritten, on the ane part, and Margaret Muirhead, relict of Mr. Robert Buchanan of Arnpryre, for herself, with advyce and consent of Patrick Muirhead of Rashie Mill, on the ither part.” By this contract the heritable property of the family was destined to the issue of the marriage, but under reservation of the liferent of the said Edward Buchanan and Christian Mitchell, his said spouse; † and in implement of it, John Buchanan, eldest lawful son of Edward Buchanan of Spittal and Margaret Muirhead, were infest 25th April, 1707. ‡

They had three sons—Robert, Peter, and Thomas.

* *Contract of Marriage.* Spittal Papers, No. 39.

† *Contract of Marriage.* Spittal Papers, No. 41.

‡ *Seisin.* Spittal Titles, No. 42.

IX.—ROBERT BUCHANAN of Spittal was Son of the preceding John, (*Section VIII.*) He died without issue, and was succeeded by his brother—THOMAS.

Evidence.—The subject of this Section is specially designed “ Robert Buchanan, eldest lawful son to the deceast John Buchanan of Spittal,” in an instrument of seisin, dated 7th June, 1733, bearing his infeftment in the lands of Gartochorran, “ in the seventeen shilling and threepenny land of Easter Catter, “ Finwick Malice, and the Spittal of Easter Catter.”*

In 1735, he obtained a precept of Clare Constat from James, Lord Torphichen, as lawful and nearest heir of his father, John.†

Robert and his brother Peter having died without legitimate issue, the succession devolved on Thomas.

IX.—THOMAS BUCHANAN of Spittal was Son of JOHN BUCHANAN of Spittal, (*Section VIII.*) and Brother of ROBERT, (*Section IX.*) He married, first, KATHERINE BUCHANAN,—Secondly, ELIZABETH HAMILTON.

Evidence.—Robert, Peter, and Thomas Buchanan, along with their sister Christian, were infeft in an annualrent of 300 merks from the lands of Gartochorran in 1723.‡

On the decease of Robert and Peter the succession devolved on Thomas,|| who married, first, Katherine, daughter of Henry Buchanan of Leny, whereby the estate of Leny, now in posses-

* *Seisin.* Gartochorran Titles, No. 44.

† *Precept of Clare Constat, 3d March, 1735.* Spittal Titles, No. 63.

‡ *Seisin.* Gartochorran Titles, No. 42.

|| *Entail of the Estates, dated December 10, 1786.*

sion of the claimant, has come into the family ; and, on her decease, secondly, Elizabeth, daughter of John Hamilton of Bardowie, whence the estate of Bardowie, also in the claimant's possession, has been acquired.

Thomas had five sons—Henry, John, Robert, FRANCIS (the claimant), and Peter. The first and last died unmarried. John and Robert married ;—the former had no issue ;—the latter left a son, who predeceased his uncle John, unmarried.

X.—FRANCIS, the Claimant, is Son and Heir of the preceding Thomas, (*Section X.*) and heir-male and representative of WALTER the first of Spittal, thence of the House of BUCHANAN of Buchanan.

Evidence.—On failure of all the preceding heirs, the representation of the family, along with the lands of Spittal, originally pertaining to Walter Buchanan of Buchanan, in 1519, devolved on the claimant. In the year 1826, he was served nearest lawful heir-male to his uncle, Robert Buchanan of Spittal, whose pedigree having been already deduced, (*Section IX.*) renders it unnecessary to extend this genealogy farther than reference to the retour.*

* *Retour*, September 13, 1826.

Thus the Claimant has endeavoured to establish his representation of the House of Buchanan, from numerous authentic documents, with as much brevity and perspicuity as the nature of the case will admit. Though the evidence be so satisfactory to him, that he has avoided any discussion on its various branches, it cannot be conceived that the same profusion of materials is accessible, or that equal facilities attend the investigation of facts of ancient date, as are afforded by incidents of modern occurrence. Many events have existed, which there is now no possibility of proving, notwithstanding their consequences are daily under observation. It is otherwise here; for each averment, independently of its own merits, has the direct support of antecedent and subsequent facts and circumstances, with their reciprocal illustrations.—But, to shun all hazard of arrogating a right, to which, however erroneously, any other person may indulge pretensions, the Claimant gives his own the utmost publicity. Copies of the preceding Statement are printed for the special purpose of distribution among those having an interest in acknowledging who is the legitimate CHIEF of their name.

GENEALOGY.

GENEALOGY.

Walter Buchanan
of
Buchanan and *Spittal*.
1519.

||
Walter Buchanan
of
Spittal.

||
Edward Buchanan
of
Spittal.

||
Robert Buchanan
of
Spittal.

||
Walter Buchanan
of
Spittal.

||
Edward Buchanan
of
Spittal.

||
James Buchanan, eldest son of Edward Buchanan of Spittal,
predeceased his Father
1659—1664.

||
Edward Buchanan
of
Spittal.

||
John Buchanan
of
Spittal.

||
Robert Buchanan—Peter Buchanan.—Thomas Buchanan
of of
Spittal. Spittal,
Married, 1. Katherine Buchanan ;—2. Elizabeth Hamilton.

||
John Buchanan—Robert.—FRANCIS,—Peter.
of the
Spittal, CLAIMANT.
Assumed the designation
of
Hamilton of Bardowie.



